

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

SPENCER L. ANDERSON,

Petitioner,

vs.

HON. ELISSA CADISH, *et al.*,

Respondents.

2:10-cv-01522-PMP-PAL

**ORDER**

This action is a *pro se* petition for a writ of mandamus, filed by a Nevada state prisoner.

Petitioner complains that, in a Nevada state court proceeding, he asked the court to answer whether or not it allowed the State “ex parte leave to proceed in a nunc pro tunc manner.” (Petition, Docket #1, at pp. 2-3). Petitioner alleges that the state court did not answer his question. Petitioner seeks an order from this Court directing the Nevada state court “to answer plaintiff’s issues regarding possible ex parte proceedings, possible granting leave of the court to proceed in a nunc pro tunc manner and that state abandoned right to argue with on answer equals consent of defect.” (Petition, at p. 3). Petitioner seeks an order from this Court “directing [Judge] Cadish to follow the law . . . .” (*Id.*).

Petitioner seeks an order from this court requiring the state courts to take some form of action. Federal courts have no jurisdiction to direct a state court’s proceedings. *Carriger v. Stewart*, 95 F.3d 755, 762 (9th Cir. 1996) (*overruled on other grounds*, 132 F.3d 463 (9th Cir.1997)); *Franzen v. Brinkman*, 877 F.2d 26 (9th Cir. 1989) (per curiam) (collecting cases), *cert. denied*, 493 U.S. 1012 (1989)). The petition, which requests relief this Court lacks jurisdiction to give, will be dismissed.

1           **IT IS THEREFORE ORDERED** that the petition for a writ of mandamus is **DENIED** and  
2 this action is **DISMISSED WITH PREJUDICE**.

3           **IT IS FURTHER ORDERED** that the Clerk shall enter judgment accordingly.  
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5 DATED: November 5, 2010.  
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8 PHILIP M. PRO  
9 United States District Judge  
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